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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
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10 In re:

11 CHEVRON CORPORATION,
12 Plaintiff.

13 CHEVRON CORPORATION,
14 Plaintiff,

15 v.

16 MARIA AGUINDA SALAZAR, et al.,
17 Defendants,

18 -and-

19 STEVEN DONZIGER, et al.,
20 Intervenor.

Case No. C 11-80217 CRB (NC)

**ORDER DENYING PLAINTIFF'S
APPLICATION TO SHORTEN TIME
TO HEAR MOTION TO COMPEL
COMPLIANCE WITH SUBPOENA
ISSUED TO BRIAN PARKER**

(Re: Dkt. No. 4)

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22 Plaintiff has moved for an order shortening time for briefing and hearing Plaintiff's
23 motion to compel compliance with a subpoena issued to third party Brian Parker under Federal
24 Rule of Civil Procedure 45 (Dkt. No. 4).

25 The Court finds the motion to change time appropriate for determination without oral
26 argument under Civil L.R. 7-1(b). Having considered the Plaintiff's application (Dkt. No. 4),
27 Mr. Parker's partial opposition to the application to shorten time (Dkt. No. 9), Defendants'
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1 opposition to the application to shorten time (Dkt. No. 12) and the related declarations of
2 counsel, Plaintiff's application is DENIED.

3 Plaintiff served Mr. Parker with a subpoena for testimony and production of materials on
4 July 22, 2011. Mr. Parker produced documents responsive to Chevron's subpoena, along with
5 objections and a privilege log on August 1, 2011 (Dkt. No. 9-1, Balogh Declaration, ¶ 6, Exhibit
6 A). Mr. Parker's deposition was taken on August 5, 2011. *Id.* Fact discovery closed on
7 September 15, 2011 and trial commences in the Southern District of New York on November 14,
8 2011. Plaintiff's neglect to file its motion to compel and motion for shortened time until 7 days
9 prior to the Court ordered discovery cutoff date is not a sufficient reason for the Court to shorten
10 time on the briefing schedule.

11 Plaintiff's counsel also failed to adequately meet and confer in an attempt to resolve
12 related discovery disputes as required under Fed. R. Civ. P. 37 and Civil L.R. 37-1(a). Though
13 Plaintiff sent letters addressing disputed discovery issues to Mr. Parker's counsel on August 10
14 and August 24, counsel did not communicate telephonically until Sunday, September 4, 2011.
15 *Id.*, at ¶ 10. At that time, Plaintiff's counsel informed of its intent to file the pending motion to
16 compel. *Id.* Plaintiff communicated to Defendant of its intent to file a motion to compel on
17 September 6, 2011 and filed the motion two days later on September 8, 2011 (Dkt. No. 13, Bryan
18 Decl., ¶ 2; Dkt. No. 4).

19 IT IS FURTHER ORDERED that lead trial counsel for both parties shall meet and confer
20 in person or by telephone in a good faith attempt to resolve their dispute no later than September
21 22, 2011. In the event that counsel are unable to resolve the matters at issue in the Motion, lead
22 trial counsel shall prepare a detailed Joint Statement of not more than five pages stating the
23 nature and status of the dispute(s). Issue-by-issue the joint letter shall describe each unresolved
24 issue, summarize each party's position with appropriate legal authority, and provide each party's
25 final proposed compromise. The statement shall not be accompanied by affidavits or exhibits.
26 The parties are strongly encouraged to submit a joint statement, but in the rare instances when a
27 joint statement is not possible, each side may submit a statement of not more than two pages.
28 The joint statement or individual statements shall be e-filed.

1 Upon review of the parties' submission(s), the Court will advise the parties of how the
2 Court intends to proceed. The Court may issue a ruling or schedule a telephone conference or in-
3 person conference with the parties, and at such conference may issue rulings, order further
4 briefing, or set further hearing dates.

5 **LAW AND MOTION HEARING PROCEDURES**

6 Civil law and motion is heard on Wednesday mornings at 9:00 a.m., Courtroom A, 15th
7 Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California, 94102.
8 The Court's schedule and answers to frequently asked scheduling questions are posted on the
9 District Court's website, <http://www.cand.uscourts.gov/>. Any scheduling issues should be
10 directed to Magistrate Judge Cousins' Courtroom Deputy Lili Harrell at
11 Lili_Harrell@cand.uscourts.gov, 415-522-2039, to determine whether it is possible to reschedule
12 the conference.

13 1. Discovery motions may be addressed to the Court in three ways:

14 (1) A motion may be noticed for hearing not less than 35 days from the date of
15 service under Civil L.R. 7-2.

16 (2) Any party may seek an order to shorten or enlarge time under Civil L.R. 6-3.

17 (3) In emergencies during discovery events, the Court is available for phone
18 consultation (415-522-2112) as set forth in Civil L.R. 37-1(b).

19 2. In the event a discovery dispute arises, counsel (or if pro se, the party) seeking
20 discovery or a protective order shall confer in good faith with opposing counsel (or pro se party)
21 in an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil
22 L.R. 37-1(a). A declaration setting forth these meet and confer efforts and the final positions of
23 each party shall be included in the moving papers. The Court will not consider discovery
24 motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil L.R. 37-1(a).

25 3. Motions to compel fact discovery must be filed within the time limits contained in
26 Civil L.R. 26-2. Motions to compel expert discovery must be filed within the time limits
27 contained in Civil L.R. 26-2.

28 4. Motions for sanctions shall be filed by separate motion in accordance with Fed. R.

1 Civ. P. 37 and Civil L.R. 37-3. The parties shall comply with their meet and confer obligations
2 under Civil L.R. 37-1(a). Parties who refuse to meet and confer will be subject to sanctions
3 under Civil L.R. 37-3.

4 5. All filings of documents relating to motions referred to Magistrate Judge Cousins
5 shall list the civil case number and the District Court Judge's initials followed by the designation
6 “(NC)”. At the time of filing of original papers with the clerk’s office, the parties are required to
7 submit two copies of each document, one of which shall be designated “NC Chambers Copy.” If
8 documents are filed electronically, a paper chambers copy of each electronically filed document
9 must be delivered to the Court and addressed to Magistrate Judge Cousins no later than noon on
10 the day after e-filing.

11 6. All parties shall supplement or correct their initial disclosures, expert disclosures,
12 pretrial disclosures, and responses to discovery requests under the circumstances itemized by
13 Fed. R. Civ. P. 26(e)(1), and when ordered by the Court. The Court expects that the parties will
14 supplement and/or correct their disclosures promptly when required under that Rule, without the
15 need for a request from opposing counsel. In addition to the general requirements of Rule
16 26(e)(1), the parties shall supplement and/or correct all previously made disclosures and
17 discovery responses 28 days before the fact discovery cutoff date.

18 The failure of counsel or a party to abide by this Order may result in sanctions under Fed.
19 R. Civ. P. 16(f).

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22 Dated: September 16, 2011

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25 NATHANAEL M. COUSINS
26 United States Magistrate Judge
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